

the previous version of Claim 1.

1,2. The Examiner states that Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, in Claim 1, there is no proper antecedent basis for "the respective positions" and "the positions displaying the name". Applicant has amended Claim 1 to correct the antecedent basis problems by deleting the word "the" in each phrase noted above. Also, Applicant has changed "the" to "a" before the first use of the word "cooking menu" in Claim 1, and deleted "the" before the first use of the word "names" in Claim 1 to correct antecedent problems. Therefore, Applicant believes that Claim 1 is now patentable.

3,4. The Examiner states that Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Burkett et al. (U.S. 4,913,038). The Examiner states that Burkett et al. anticipates all the structure claimed including a cooking utensil such as a fryer with a control system having a display portion which changes according to the selection of predetermined cooking menu and the predetermined operating switches for controlling the cooking conditions of the utensil. However, Applicant wishes to point out that Burkett et al. teaches a deepfat fryer having a control panel element 1

comprising two columns of display windows and a LED pointer positioned on the side of each window to indicate a product cycle when illuminated. A "select product" 17 switch is provided for cycling through each window to select one of the cycle ranges displayed in one of the windows. Only one of the LED indicators is on at a time in cook mode.

In the present invention, Claim 1 calls for "...said switches are located at respective positions that correspond to positions displaying the name of the operating mode, and then, said switches are operated to be turned ON, thereby making it possible to select corresponding operating mode." Burkett et al. does not teach or disclose the placement of mode switches to correspond with the names being displayed of the operating modes. Instead, Burkett et al. teaches a single product select switch 17 that selects a product to be cooked, and is not positioned adjacent to a particular display mode. The product select switch 17 causes one of the led indicator pointers next to each window to be illuminated. Therefore, Burkett et al. does not disclose the switch and display elements and their arrangement of the present invention, and Applicant does not believe that Claim 1 is anticipated by Burkett et al. but instead believes that Claim 1 is patentable.

Applicant filed a Preliminary Amendment on July 10, 2002 amending Claim 3 to be dependent on only Claim 1 and adding new Claim 4 which essentially recites Claim 2, but it is dependent on Claim 3. In the Office Action of July 8, 2002, the Examiner

states that only Claims 1-3 are pending. Therefore, Applicant requests that Claim 4 be considered and examined.

In view of the above, it is submitted that Claims 1-4 are now in condition for allowance. Reconsideration of the rejections and objections to Claims 1-4 is respectfully requested. Accordingly, it is requested that the foregoing amendment be entered and the case be sent to issue.

If there are any questions, we urge the Examiner to call us collect. Please charge any costs in connection with this document to our Deposit Account No. 16-0875.

Respectfully submitted,
PEARSON & PEARSON, LLP
BY

Walter F Dawson

WALTER F. DAWSON, ATTORNEY
Gateway Center
10 George Street
Lowell, Massachusetts 01852
(978) 452-1971
Reg. No. 30,046

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APPENDIX

MARKED-UP AMENDED CLAIM

1. (Amended) A cooking utensil provided with a display portion for displaying a predetermined food on [the] a cooking menu and switches to be operated during cooking on an operating panel, wherein said display portion enables [the] names of a plurality of operating modes to be displayed by a predetermined operation of said switches, and said switches are located at [the] respective positions that correspond to [the] positions displaying the name of the operating mode, and then, said switches are operated to be turned ON, thereby making it possible to select a corresponding operating mode.